

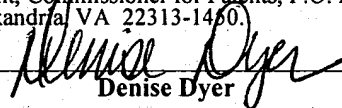
IN THE UNITED STATES PATENT & TRADEMARKS OFFICE

ART UNIT: 1614  
EXAMINER: UNKNOWN  
APPLICANT: Ebert, Charles  
SERIAL NO.: 10/784,905  
FILED: 2/23/2004  
CONFRM. NO.: 6139  
FOR: TESTOSTERONE ORAL DOSAGE  
FORMULATIONS AND ASSOCIATED  
METHODS

**CERTIFICATE OF MAILING**  
**UNDER 37 C.F.R. § 1.8**

DATE OF DEPOSIT: 06/23/04

I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Denise Dyer

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). Applicant respectfully submits that this Information Disclosure Statement is filed pursuant to:

☒ 37 C.F.R. § 1.97 (b)(1) or (3), within three months of the filing date of the application, or before a first office action on the merits, whichever occurs last;

☐ 37 C.F.R. § 1.97 (c), after a first office action on the merits, but before a Final Office Action or a Notice of Allowance, whichever occurs first, and is accompanied by either 1) a statement in accordance with 37 C.F.R. § 1.97(e), or 2) the fee set forth in § 1.17(p); or

☐ 37 C.F.R. § 1.97 (d), after a Final Office Action or Notice of Allowance, whichever occurs first, but on or before payment of the issue fee, and is accompanied by both 1) a statement in accordance with 37 C.F.R. § 1.97(e), and 2) the fee set forth in § 1.17(p).

While no representation is made that any of these references may be "prior art" within the meaning of that term in accordance with 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that

the references listed, together with any other references which may have been previously submitted or listed, are the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

☐ In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each listed reference (or relevant portion thereof) which was not previously submitted to, or cited by, the Patent Office is also enclosed.

☒ Legible copies of the listed non-patent literature and foreign documents or their relevant portions. Copies of U.S. patents and/or publications are NOT included pursuant to the Official Gazette Notice, dated Aug. 5, 2003, waiving the requirement of 37 C.F.R. 1.98(a)(2)(i).

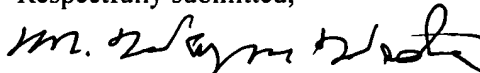
☐ The references listed in the accompanying Form PTO-1449 are NOT enclosed because, under 37 C.F.R. § 1.98(d), they were previously cited by or submitted to the Office in application number \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

For all listed references that are not either in the English language, or accompanied by a translation into English, a concise explanation of relevance as required under 37 C.F.R. § 1.98(a)(3) is enclosed attached to each.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or to credit any overpayment to Deposit Account No. 20-0100.

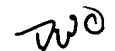
Dated this 23 day of June, 2004.


Respectfully submitted,



M. Wayne Western  
Attorney for Applicant  
Registration No. 22,788

THORPE NORTH & WESTERN, LLP  
Customer No. 28,122  
P.O. Box 1219  
Sandy, Utah 84091-1219  
Telephone: (801) 566-6633

  
MWW/DWO/dd  
Enclosure

|  |                                     |                                 |
|--|-------------------------------------|---------------------------------|
|  <p style="text-align: center; margin-top: 10px;">U.S. DEPARTMENT OF COMMERCE<br/>PATENT AND TRADEMARK OFFICE</p> <p style="text-align: center; margin-top: 10px;">LIST OF PRIOR ART CITED BY APPLICANT</p> | <b>ATTY. DOCKET NO.</b><br>22868.NP | <b>SERIAL NO.</b><br>10/784,905 |
|  | <b>APPLICANT</b> Charles Ebert      |                                 |
|  | <b>FILING DATE</b><br>02/23/2004    | <b>GROUP</b><br>1614            |

## U.S. PATENT DOCUMENTS

| EXAMINER INITIALS | DOCUMENT NUMBER | DATE            | NAME       | CLASS         | SUBCLASS | FILING DATE IF APPROPRIATE |
|-------------------|-----------------|-----------------|------------|---------------|----------|----------------------------|
|                   | A1              | US 4,774,074    | 09/27/1988 | Snipes        |          |                            |
|                   | A2              | US 5,002,940    | 03/26/1991 | Geller et al. |          |                            |
|                   | A3              | US 5,879,714    | 03/09/1999 | Sherman       |          |                            |
|                   | A4              | US 6,544,553 B1 | 04/08/2003 | Hsia et al.   |          |                            |
|                   | A5              | US 6,682,761 B2 | 01/27/2004 | Pace et al.   |          |                            |
|                   | A6              |                 |            |               |          |                            |
|                   | A7              |                 |            |               |          |                            |
|                   | A8              |                 |            |               |          |                            |
|                   | A9              |                 |            |               |          |                            |
|                   | A10             |                 |            |               |          |                            |
|                   | A11             |                 |            |               |          |                            |
|                   | A12             |                 |            |               |          |                            |

## FOREIGN PATENT DOCUMENTS

| EXAMINER INITIALS | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION<br>YES NO |
|-------------------|-----------------|------|---------|-------|----------|-----------------------|
|                   | A13             |      |         |       |          |                       |
|                   | A14             |      |         |       |          |                       |
|                   | A15             |      |         |       |          |                       |
|                   | A16             |      |         |       |          |                       |
|                   | A17             |      |         |       |          |                       |

## OTHER PRIOR ART (Including Author, Title, Pertinent Pages, Etc.)

|   |     |                        |
|---|-----|------------------------|
|   | A18 |                        |
|   | A19 |                        |
|   | A20 |                        |
| <b>EXAMINER</b>   |     | <b>DATE CONSIDERED</b> |
| *EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication with applicant. |     |                        |